

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

JAMES ERIC LOFTEN §  
§  
v. § C.A. NO. C-05-174  
§  
DOUG DRETKE §

**MEMORANDUM OPINION AND ORDER DENYING PLAINTIFF'S MOTION FOR  
SANCTIONS AND MOTION FOR NEW TRIAL**

On July 14, 2005, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 26). After ample opportunity, no objections have been filed by either party. This Court regards such omission as each party's agreement with and acceptance of the Magistrate Judge's findings of fact and conclusions of law. Having reviewed the pleadings on file, the Court finds no clear error in the Magistrate Judge's memorandum and recommendation. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). This Court adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, plaintiff's Motion for Sanctions (D.E. 23) is DENIED. Plaintiff's Motion for Judgment/New Trial (D.E. 20) is also DENIED. Plaintiff is ORDERED to file his more definite statement within 20 days of the date of entry of this order. If plaintiff fails to file his more definite statement within this deadline, such failure may result in dismissal of this habeas corpus action for failure to prosecute.

ORDERED this 10th day of August, 2005.

  
HAYDEN HEAD  
CHIEF JUDGE